

TOP SECRET

SWNCC 257/5

4 March 1946

Pages 38 - 48, incl.

TOP SECRET
DECLASSIFIED

FM0001-0016
COPY NO. 67

R

STATE-WAR-NAVY COORDINATING COMMITTEE

EXPLOITATION OF GERMAN AND AUSTRIAN SPECIALISTS IN
SCIENCE AND TECHNOLOGY IN THE UNITED STATES

References: a. SWNCC 257/4
b. Item 3, Minutes
37th SWNCC Mtg

Note by the Secretaries

The enclosure, a revision of SWNCC 257/4 as approved by
the State-War-Navy Coordinating Committee at its 37th meeting,
is circulated for information and guidance.

ALEXANDER D. REID

B. L. AUSTIN

RAYMOND E. COX

Secretariat

DEPARTMENT OF STATE A/CDC/MR	
REVIEWED BY <u>30H</u>	DATE <u>3/18/81</u>
HDS [] or XDC [] EXT. DATE _____	
TS AUTH. _____ E.A. UN(S) _____	
ENDORSE EXISTING MARKING []	
DECLASSIFIED ☒ RELEASABLE ☒	
RELEASE DENIED []	
PA or FOI EXEMPTIONS _____	

02115507030

ENCLOSUREEXPLOITATION OF GERMAN AND AUSTRIAN SPECIALISTS IN
SCIENCE AND TECHNOLOGY IN THE UNITED STATES

Report by the
State-War-Navy Coordinating Subcommittee for Europe

References: 1. JCS 1385 Series
2. JCS 870 Series
3. SWNCC 257/5

THE PROBLEM

1. To formulate a policy and procedure with respect to the exploitation of German and Austrian specialists in Science and Technology in the United States.

FACTS BEARING ON THE PROBLEM AND DISCUSSION

2. The facts bearing on the problem and discussion thereof are set out in Appendix "A".

CONCLUSIONS

3. That long term policies and procedures for facilitating the admission into this country of a limited number of outstanding specialists when that would be in the national interest are urgently needed and should be initiated.

4. That the policy and procedure as to the admission of specialists for military purposes should be as set forth in Appendix "B".

5. That the policy and procedure as to the admission of specialists for civilian purposes should be as set forth in Appendix "C".

RECOMMENDATIONS

6. It is recommended:

a. That the State-War-Navy Coordinating Committee forward the proposed policy and procedure set out in Appendix "B" of SWNCC 257/4 to the Joint Chiefs of Staff for implementation and execution subject to their comments from a military point of view.

TOP SECRET

2. That the State-War-Navy Coordinating Committee forward Appendix "C" to the Joint Chiefs of Staff for their comment from a military point of view and at the same time request the Secretary of State to obtain concurrence of the Attorney General and the Secretary of Commerce in Appendix "C".

3. That upon completion of b above, Appendix "C" should be transmitted to the Joint Chiefs of Staff, and to the Department of Commerce by the Department of State, for implementation.

APPENDIX "A"FACTS BEARING ON THE PROBLEM AND DISCUSSION

1. There are now in Germany and Austria a number of scientists and technicians (hereinafter referred to as specialists) possessing knowledge of great value to the United States for both military and civilian use. Many government departments and independent agencies urgently desire to exploit these specialists in the United States. Most, if not all, of these specialists would be willing and eager to come to the United States provided reasonable arrangements could be made for their personal security and future and that of their families.

2. Current procedures permit the short-term exploitation of German specialists in the U.S. by the War and Navy Departments for military purposes. Valuable information has been obtained from such persons, but restrictions surrounding their introduction do not permit their employment on long-range projects. Moreover, separation from their families, concern over the future, their confinement and knowledge that they are being used on a purely temporary exploitative basis, are conditions which destroy the incentives for these specialists to perform their best work.

3. As an interim measure pending governmental decision, the Joint Chiefs of Staff have agreed with the British Chiefs of Staff on certain matters related to the exploitation of German specialists for military purposes. (CCS 876/9, /10 and /11) The British Chiefs of Staff have proposed (CCS 876/12) that these agreements be extended to exploitation for civil purposes, except that the results obtained would not be exchanged. Irrespective of U.S. action regarding the exploitation of German Specialists for civil purposes, Great Britain, France and the U.S.S.R. will proceed unilaterally to do so. The U.S.S.R. is already proceeding with an aggressive policy of

TOP SECRET

FRID 051-0020

long-range exploitation of these specialists, including some in the U.S. Zones. It is understood that France is also actively engaged in long-range exploitation and is offering lucrative contracts to selected specialists. Unless arrangements for accomplishing long-range exploitation by this country are made promptly, it is believed that the desired personnel will have dispersed or disappeared and their expert knowledge will be lost to the United States.

4. The type of person whose entry for civilian purposes is contemplated is restricted to German and Austrian specialists who can make a positive contribution to the scientific and industrial efforts of the United States. Such men include eminent physicists, outstanding chemists, Nobel prize winners, and leaders in many fields of scientific research and development. Their contribution, if added to our own, would advance the frontiers of scientific knowledge for the national benefit. All specialists must be carefully screened to insure against the importation of active Nazis.

5. German and Austrian talents for research and development in some fields, such as nuclear physics, guided missiles, jet propulsion, and the like, are of such great importance to the future military security of the U.S. that this country should make every effort to prevent the outstanding German and Austrian specialists in such fields from being exploited by other nations except within the limits of the above mentioned agreements with the British. The recruitment of such specialists and their removal from the U.S. Zones by other powers, in some cases by force, present serious military implications to future U.S. national security. The most practical method by which such persons can be denied to other nations would be to permit them and their immediate families, if necessary, to enter this country and remain for such time as may be necessary to accomplish that purpose.

TOP SECRET

REF ID: A66301-0021

6. In exploiting these specialists on a short-term military basis, or on an long-range basis established, it is frequently unavoidable that they acquire certain scientific and technical knowledge in the United States. If they are thereafter returned to Germany and Austria (as required under existing agreements), their value to other nations is enhanced to the extent that they have acquired such knowledge and to the same extent they become more dangerous to U.S. military security. It is desirable, therefore, to limit the utilization of such specialists for any long-range projects to those specialists who volunteer to undertake such work in this country and who bring their families with them.

SWCC 287/8

- 42 -

Appendix "A"

DECLASSIFIED

TOP SECRET

APPENDIX "B"

PROPOSED POLICY AND PROCEDURE TO FACILITATE ENTRY INTO
THE U.S., IN THE NATIONAL INTEREST, OF GERMAN AND
AUSTRIAN SCIENTISTS AND TECHNICIANS SPONSORED BY
THE WAR AND NAVY DEPARTMENTS

1. It is the policy of this government to facilitate the entry into the United States, under the immigration laws, of a limited number of outstanding scientists and technicians of German or Austrian nationality (hereinafter referred to as specialists) who so desire, and whose entry would be in the interest of national security, and the entry, under the immigration laws, of members of the specialists' immediate families.

2. This policy does not limit in any way, but rather supplements, the existing procedures under which the War and Navy Departments are bringing German specialists into the United States for short-term military exploitation.

3. The names of all specialists whose entry the War or Navy Department desire to be facilitated under this policy will be certified to the Joint Chiefs of Staff by the interested department. Each certificate shall state:

- a. That the entry of the specialist would be in the interest of national security.
- b. The terms and conditions of the contract or arrangement proposed to be entered into with the specialist for his employment in this country.
- c. The type of visa desired. In the event an immigration visa is requested, the certificate shall also state whether the admission of the immediate family of the individual in question is desired.

4. The Joint Chiefs of Staff (or an agency designated by them) shall cause an examination to be made to determine that there is nothing in the record of the specialist, or in the

SECRET

TOP SECRET

FM/001-0023

record of any accompanying members of his family, to indicate that any of them were active Nazis or otherwise objectionable for admission into this country. Final clearance, in all cases, will be requested of the Department of Justice.

5. The Joint Chiefs of Staff (or an agency designated by them) will then forward to the Department of State the names of the individuals whose admission into this country under this policy should be facilitated, indicating where they so desire, the relative priorities for admission, together with all pertinent data which would be of use in determining eligibility for the type of visa desired. These names and data will be transmitted by the State Department to appropriate consular offices with whom final authority to issue the necessary visas rests.

6. The Joint Chiefs of Staff will also forward these names to the appropriate occupation authorities with instructions to arrange all necessary transportation of such individuals within Germany and Austria and, after issuance of the necessary visas, from ports of embarkation to the United States.

7. In the case of an individual admitted under the program for short-term exploitation or on a visitor's visa, if the sponsoring department desires an extension of such visa or desires that the individual be readmitted as an immigrant, it shall certify to the Joint Chiefs of Staff the facts which make such change in the national interest. In the event readmission as an immigrant is requested the certificate shall state whether the admission of the immediate family of the specialist in question is desired. The Joint Chiefs of Staff will undertake to facilitate the change requested.

TOP SECRET

REF ID: A66001-0024

APPENDIX "C"

PROPOSED POLICY AND PROCEDURE TO FACILITATE ENTRY INTO
THE U.S. IN THE NATIONAL INTEREST OF GERMAN AND AUSTRIAN
SCIENTISTS AND TECHNICIANS SPONSORED BY GOVERNMENT
DEPARTMENTS OTHER THAN WAR AND NAVY

1. It is the policy of this government to facilitate the entry into the U.S., under the immigration laws, of a limited number of outstanding German and Austrian scientists and technicians (hereinafter referred to as specialists) who so desire, and whose entry would be in the national interest and the entry, under the immigration laws, of members of the specialists immediate families.

2. This policy does not affect or modify in any way the procedures under which such specialists are brought into the United States in the interest of national security, by the War or Navy Department or at their request.

3. Since the primary condition for the admission of specialists is demonstration that such admission will serve the national interest, the results of the specialists' research will, as far as possible, be made available to the public. For this reason, specialists will be employed primarily by government departments or agencies and non-profit institutions of learning or research.

4. When employment by a private business enterprise is requested, such employment will normally be required to be undertaken in cooperation with other interested enterprises, possibly by the establishment of a university fellowship or by an annual or term grant to a university. Exceptions to this principle will be made only when such arrangements are clearly not practicable. In all cases, appropriate arrangements with the employer will be required to assure that the public interest is protected, for example, assurance that any resulting patents will be freely licensed, on a non-exclusive basis, at reasonable royalties.

TOP SECRET

FM0001-9025

5. Employers, other than government departments and agencies, of specialists will be required

a. to engage their services on the basis of suitable contracts as a means of binding and protecting the specialists.

b. to obtain the sponsorship of a government department or independent governmental agency.

c. Any government department or independent governmental agency desiring to sponsor the entry of a specialist under this policy, will forward to the Department of Commerce a certificate stating:

a. That the entry of this specialist would be in the national interest because of the benefit expected to result within a field of responsibility of the department or agency concerned. Before so certifying the sponsoring department or agency shall consult with qualified and disinterested experts or technical bodies such as, for example, the Office for Scientific Research and Development.

b. The terms and conditions of the contract or arrangement proposed to be entered into with the specialist for his employment in this country, including the financial arrangements for travel to and, in appropriate cases, from the United States.

c. The type of visa desired. In the event an immigration visa is requested, the certificate shall also state whether the admission of the immediate family of the individual in question is desired.

7. In order to carry out the foregoing policy, the Department of Commerce has agreed to designate or set up an agency charged with coordinating the procedure hereunder. This agency shall establish:

FM0001-9025

- 46 -

Appendix "C"

TOP SECRET

SECRET 700001-0026

a. That there is nothing in the record of the specialist, or in the record of any accompanying members of his family, to indicate that any of them were active Nazis or otherwise objectionable. The War and Navy Departments will undertake the screening of the individuals in Germany and Austria. Final clearance will be requested of the Department of Justice.

b. That the proposed terms and conditions of the contract or other arrangement for employment in this country, of the specialist in question, are fair and reasonable and that the request for his admission into this country is consistent with this policy and with existing law.

c. The extent, if any, to which the interest or rights of the specialists to any inventions or discoveries made by them in the United States may be protected under the laws of this country.

d. After taking the action above set forth, the Department of Commerce will forward to the Department of State the names of the individuals whose admission into this country under this policy should be facilitated, together with all pertinent data which would be of use in determining eligibility for the type of visa desired. It may recommend priorities among the candidates for admission. The list of names and all pertinent data will be transmitted by the State Department to appropriate consular offices with whom final authority to issue the necessary visas rests. Requests for specialists in the interest of national security will be given priority over other requests.

e. The Department of Commerce will also forward the approved list to the Joint Chiefs of Staff for transmission to appropriate overseas Commanders, with instructions to arrange all necessary transportation of the individuals within Germany and, after issuance of the necessary visas, from the port of departure to the United States.

SWNGC 257/5

- 47 -

Appendix "C"

TOP SECRET

10. In the case of an individual admitted on a visitor's visa, if the sponsoring department or other agency desires an extension of such visa or desires that the individual be re-admitted as an immigrant, it shall certify to the Department of Commerce the facts which make such change in the national interest. In the event readmission as an immigrant is requested the certificate shall also state whether admission of the immediate family of the specialist in question is desired. The Department of Commerce will undertake to facilitate the change requested.

SECRET